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**AFX INC.
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FEB. 01 2005

In re Application of :
Dany Berube :
Application No. 09/904,156 :
Filed: July 31, 2001 :
Attorney Docket No. P015.01 :

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition, filed November 4, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee. This application issued into Patent No. 6,823,218 on November 23, 2004.

The petition is **DISMISSED as moot**.

Unfortunately, the petition reached the appropriate official for decision after the patent issued on the above-identified application. The inconvenience caused petitioner in this matter is sincerely regretted.

The information disclosure statement (IDS) has been placed in the file of the above-identified application without further consideration. See 37 CFR 1.97(i).

The Request for Continued Examination (RCE) submitted with the petition is not effective and will not be entered since the petition to withdraw from issue is dismissed.

Petitioner is reminded that petitions to withdraw from issue should either be faxed to the Office of Petitions at (571) 273-0025 or hand carried to Madison Bldg. West, 600 Dulany St. Alexandria Va 22314.

Petitioner's attention is directed to 37 CFR 1.313(d), which states: A petition under this section [37 CFR 1.313(c)] will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials before the date of issue."

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There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This patented file is being referred to Files Repository.

A handwritten signature in black ink that reads "Karen Creasy". The signature is fluid and cursive, with the first name "Karen" and last name "Creasy" clearly distinguishable.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

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